



SL
11/6/02

PATENT
ATTORNEY DOCKET NO.: 051638-5001-02

Recon
4/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Scott A. SNYDER) Confirmation No.: 2465
U.S. Application No.: 09/580,448) Group Art Unit: 3624
Filed: May 30, 2000) Examiner: Narayanswamy Subramanian
For: A SYSTEM AND METHOD FOR)
ASSISTING CUSTOMERS IN)
CHOOSING A BUNDLED SET OF)
COMMODITIES USING)
CUSTOMER PREFERENCES)

Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED
NOV 04 2002
GROUP 3600

REQUEST FOR RECONSIDERATION

The Office Action dated August 5, 2002 (Paper No. 1) has been carefully reviewed.
Reconsideration of the grounds of rejection is respectfully requested in view of the remarks
herein.

Summary of the Office Action

Claims 1-7, 9-11, 13, 14, 17-22, 26-31, 33-35, 37, 38, 41, 42, and 46-53 are rejected
under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,012,051 to Sammon, Jr. et al.
("Sammon"). Claims 8 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over
Sammon in view of U.S. Patent 5,521,364 to Kimura et al. ("Kimura"). Claims 12, 15, 16, 36,

39, and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sammon in view of U.S. Patent 6,085,165 to Ulwick (“Ulwick”). Claims 23-25 and 43-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sammon in view of U.S. Patent 6,292,787 to Scott et al. (“Scott”).

35 U.S.C. § 102(e) Rejection based on Sammon

Claims 1-7, 9-11, 13, 14, 17-22, 26-31, 33-35, 37, 38, 41, 42, and 46-53 are rejected as anticipated by Sammon. “To anticipate a claim, a reference must teach every element of the claim.” MPEP § 2131. Sammon fails to teach every element of any of the rejected claims. Sammon discloses a method for generating a list of items (e.g., car models) from a single “commodity category” or product domain (e.g., automobiles; col. 6, line 57) according to user’s preferences and requirements for a set of attributes (e.g., braking distance, top speed, import, and color; cols. 7: 35-8:3). Sammon does not disclose associating items across commodity categories (e.g., bundling items across commodity categories). Accordingly, Sammon does not disclose, for example, “creating a plurality of combinations of commodity options by (i) selecting a highest ranked option for a commodity category; (ii) selecting any options in other commodity categories that are linked to the option . . .” (independent claim 1); “means for selecting a highest ranked option for a commodity category . . . means for selecting any options in other commodity categories that are linked to the selected highest ranked option . . .” (independent claim 26); “selecting an option for a commodity category into a grouping . . . if the grouping is not complete, determining an option that has not previously been used in a grouping, wherein either the determined unused option is linked to options in categories that do not have options selected in the grouping . . .” (independent claim 46); and, “means for selecting an

option for a commodity category into a grouping . . . means for determining whether the selected option is linked to options in other categories . . . " (independent claim 51).

Sammon fails to anticipate the independent claims 1, 26, 46, and 51. Further, Applicant respectfully asserts that dependent claims 2-7, 9-11, 13, 14, 17-22, 27-31, 33-35, 37, 38, 41, 42, 47-50, and 52-53 are allowable at least because of their dependence on one of claims 1, 26, 46, and 51, and the reasons set forth above. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 102(e) based on Sammon.

35 U.S.C. § 103(a) rejections based on Sammon in view of Kimura, Ulwick, or Scott

Claims 8 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sammon in view of Kimura. Claims 12, 15, 16, 36, 39, and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sammon in view of Ulwick. Claims 23-25 and 43-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sammon in view of Scott. None of the additional art cited for these rejections corrects the deficiencies of Sammon recited above. Accordingly, the combination of this art with Sammon does not disclose or suggest each element of any of the rejected claims. Withdrawal of the rejections of claims 8, 12, 15-16, 23-25, 32, 36, 39, 40, and 43-45 is respectfully requested.

CONCLUSION

Applicant respectfully submits all pending claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions regarding the application, the Examiner is invited to contact the undersigned representative to expedite prosecution. If there are any other fees due in connection with the filing of this response, please

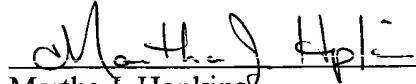
charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 30, 2002

By:



Martha J. Hopkins
Reg. No. 46,277

CUSTOMER NO.: 009629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave.
Washington, D.C. 20004
202-739-5198